

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KEVIN DEAN MCLEOD,

Defendant.

CR 23-37-M-DWM-2

ORDER

United States Magistrate Judge Kathleen L. DeSoto entered Findings and Recommendation in this matter on October 30, 2023. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach. Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

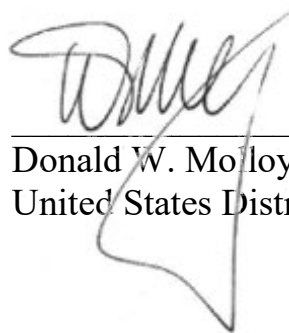
Judge DeSoto recommended this Court accept Kevin Dean McLeod’s guilty plea after McLeod appeared before her pursuant to Federal Rule of Criminal

Procedure 11, and entered his plea of guilty to one count of conspiracy to distribute controlled substances in violation of 21 U.S.C. § 846 (Count I), as set forth in the Indictment filed against him. Defendant further agrees to the forfeiture allegation in the Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Counts II through VII of the Indictment.

I find no clear error in Judge DeSoto's Findings and Recommendation (Doc. 72), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing, when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Kevin Dean McLeod's motion to change plea (Doc. 64) is GRANTED. Kevin Dean McLeod is adjudged guilty as charged in Count I of the Indictment.

DATED this 14th day of November, 2023.

A handwritten signature in black ink, appearing to read "DMolloy", is written over a horizontal line. Below the line, the name and title of the signatory are printed.

Donald W. Molloy, District Judge
United States District Court